



**Tule River Tribe
Testimony on Fiscal Year 2025 Appropriations**

**House Committee on Appropriations
Subcommittee on Interior, Environment and Related Agencies
May 7, 2024**

Greetings Chairman Mike Simpson, and Members of the House Committee on Appropriations, Subcommittee on Interior, Environment, and Related Agencies. My name is Charmaine McDarment and it is an honor to appear before you today. I serve as the Chair of the Tule River Indian Tribe (“Tule River”) located in central California, and I come before you today to share with you our most critically underfunded needs in order to guide the United States on how it can best fulfill its treaty and trust obligations to the Tule River Tribe and properly fund Indian programs and services that we rely upon most.

We at Tule River, like other tribal nations, are no strangers to land loss, fraud, broken promises, unratified treaties and theft of our homelands and our water. We are Yokuts Indians and have occupied the San Joaquin Valley in California for thousands of years. Our story of land tenure might seem fictitious, but it is very real. In August of 1878 and after many actions to provide an adequate land base for the tribe, the United States landed on establishing a reservation representing a reduced footprint of ancestral Yokuts land, some 48,000 acres, via Executive Order by President Hays. The current Tule River Indian Reservation is located along the border of the Central Valley of California just outside the town of Porterville in the rugged Sierra Nevada mountains and ranges in elevation from ~900 feet to ~7500 feet. The Reservation’s eastern boundary abuts the Forest Service’s Giant Sequoia National Monument. In 1922, the United States violated their trust duties to us when they appropriated our water rights to downstream users, leaving us in a battle for over 100 years to regain our rights to water.

As the former General Counsel to the tribe for the past 20+ years, I know that without water and adequate infrastructure, we suffer greatly. We are actually forced to limit the number of tribal members that can live on the reservation because there is not enough water. This has a direct impact on the health of our members and the health of Tule River. Our constitution includes a residency requirement to enroll with Tule River. To become enrolled, applicants need to have a tribal member parent with proof of on-reservation residency 1 year before birth of the applicant, or the applicant must have residency on the reservation for 5 consecutive years. Without adequate housing, water infrastructure, and water resources on the reservation to establish parental or applicant residency, many applicants must await enrollment until they are eligible, risk losing eligibility, and our tribal population is lower than it should be. Imagine being forced

to limit the number of citizens of your Nation due to a lack of water and water infrastructure. Imagine the impact that has on our elders and youth.

The lack of water hinders our ability to sustain our food lifeways, maintain economic development and schools for our children, nor can we adequately protect ourselves from the constant threat of wildfires ravaging the adjacent Sequoia National monument and Forest Services lands.

Mandatory and Immediate Funding for Indian Water Rights Settlements Must Happen

We are thankful to Senator Padilla and the late Senator Feinstein for their support of Tule River in championing S.306, the Tule River Tribe Reserved Water Rights Settlement Act of 2023, and to former Congressman McCarthy for his support and assistance to us as we worked to settle our Indian water rights claims with the United States, consistent with the Criteria and Procedures for the Participation of the Federal Government in Negotiations for the Settlement of Indian Water Rights Claims. The proposed settlement will settle and declare our rights to thousands of acre feet of water, return the land containing the headwaters of the South Fork of the Tule River comprising some 9,000+ acres to the tribe, and fund the reservoir that will safeguard the Tule River Tribe with managed water for generations to come. While we await introduction of the House version of our water rights settlement legislation, we believe moving this legislation forward into law will achieve success towards meeting the United States' trust responsibility to the Tule River Tribe by safeguarding our rights to access clean drinking water. However, there is no justice without funding the settlement.

Indian water rights settlements, even if reached in full observation of the Criteria and Procedures, often sit in a docket of unfunded settlements – for years, under the discretionary budgeting scheme. If the settlement passes in this Congress, the Tule River Tribe cannot and should not be made to wait for funding to implement the settlement. The impacts of climate change and onslaught of severe drought conditions have devastated us - leaving tribal members living on the reservation, including myself, without water year after year. We have no choice but to seek out emergency provisions of water, such as bathing in make-shift showers, limiting tribal members to one gallon of water use per day and leaving our community prone to unacceptable realities of unsafe water, sanitation and hygiene conditions.

Water infrastructure requires substantial funding, but settlements also include protections for existing water users, avoids litigation – which has always been the pathway for Tule River, and, most importantly, upholds the United States' treaty and trust responsibilities. In addition, like all litigation, the parties are seeking finality in any settlement. In recent years, the Administration has been seeking to settle Indian water rights through lump sum payments to a development fund. This provides finality, but also requires that Indian tribes assume the risk for planning and developing water infrastructure. Settlement funding must account for that increased risk that is passed on to tribes and must also include substantial mandatory funding so that we can begin to plan and design the water projects long neglected by the United States.

In order to ensure that Indian water rights settlements are implemented as agreed to in Congressional legislation, the Subcommittee must provide adequate funding. For Tule River,

this funding will be used to develop water infrastructure that will right over a century of infringement on Tule River's water rights, provide the right drought solution for our reservation, create jobs, and put water infrastructure to work where it is needed most.

Increasing Bureau of Indian Affairs Funding for PL 93-638 Contracts for Tribal Firefighting, Wildfire Prevention and Management is Critically Necessary

In the past few years, the Tule River Reservation, the second largest land-based tribe in California, faced burning as a result of a series of Wildfires in the area. The Tule River Fire Department/Wildland Division operates on a Bureau of Indian Affairs funded 93-638 annual budget to fund its employee salaries and benefits, however, the budget leaves no growth to fund the needed minimal staffing needs to mitigate and prevent future wildfires near and on the Reservation. The 2021 Windy Fire, a large wildfire in the Sequoia National Forest in Central California's Tulare County begun by a lightning strike in the southern Sierra Nevada on September 9, and the fire burned 97,528 over the course of a month, making it the 8th largest wildfire in California in 2021. Total firefighting costs topped \$78 million and the fire caused the death of an estimated 900-1,300 large giant sequoia trees, including many located on the Reservation. These ancient trees are sacred natural resources to the Tule River Tribe.

The Tribe is in critical need to expand the BIA Funding to hire the Assistant Fire Management Officer and the Fire Operations Specialist positions; provide fire personnel training; increase severity funding to support the Tribe when it needs it the most; and purchase a Type 6 initial attack wildland engine to support baseline operations. Funding through this program is often delayed and often requires the Tribe to subsidize costs upfront. We must have firefighting resources in place to protect and secure our Reservation communities.

Funding Public Safety Services to Tribes in PL280 States is Long Overdue and Necessary

The Tule River Tribe has no choice but to fund its \$3.6M+ public safety program due to the jurisdictional uncertainties and funding created by the antiquated Public Law 83-280 (67 Stat. 588) ("Public Law 280" or "PL 280"). PL 280 grants certain states, including California, criminal jurisdiction over American Indians on reservations and created jurisdictional uncertainties and decades of funding shortfalls for public safety programs critical to tribes in PL 280 states. The Tule River Public Safety program provides policing for the tribe's 58,000+ acre land base focused on public safety, law enforcement, drug prevention services and training. The Tribe independently funds 37 full-time positions and the necessary equipment and gear to provide minimal safety services for the 1,100+ tribal members living on the Reservation. The program is in dire need of funds to send employees to Federal Academy training and refresher training courses to meet certification requirements. Due to the rough terrain of the Reservation, patrolling the reservation is costly, especially during poor road conditions. Our officers are busy responding to numerous emergency calls, making arrests, addressing drug-related crimes and generally providing for the health and safety of our tribal community. Our law enforcement officers are frontline employees, and the safety of our community deserves the Subcommittee's full support to find pathways to fund law enforcement programs to tribes in PL 280 states.

Increase Indian Health Services Funding for Public Works and Water Infrastructure

Infrastructure as a whole on the Tule River Indian Reservation is critically outdated, non-existent or costly to maintain, as more and more tribal members seek to live on the Reservation. With the treacherous topography of the Reservation's location in the Sierra Nevada Mountains, the Tribe needs to install housing pads for permanent housing units and related new infrastructure. The 2 on Reservation water treatment plants are too small to support the water needs of the existing population on the Reservation, yet alone new water infrastructure necessary to address the longstanding housing crisis. The Indian Health Service's funded water infrastructure is inadequate to meet the increasing housing crisis and poses numerous risks to tribal members relying on such infrastructure. As a result, we must look to acquire off-reservation fee land to meet our most basic needs.

Increase Indian Health Service Funding to Expand Drug and Alcohol Treatment Facility

Since 1980, the Tule River Tribe has operated the Tule River Alcoholism Program ("TRAP") a 24 hour in-house residential men's treatment facility. TRAP recognizes the unique cultural experience to be found in the Native American community and offers many services to the Native community such as the Little Creek Lodge in-patient treatment and recovery program, outpatient services, outreach services, prevention services, substance abuse community education services, youth substance abuse services and an aftercare program. The existing TRAP facility only accommodates 8 beds and is limited to providing services to men only. We have a critical need to expand the number of beds and increase care programs and services to 6 months to a year to ensure client program success. The building will need an expansion and a new facility will be needed to provide services to women clients.

Funding Transportation for Student Education is Critically Needed

Education and safety of our youth is one of our top priorities. However, in this past Fiscal Year, the Tribe fell over \$630,000 short in meeting its Education budget. Due to the location of the Reservation, the tribal community identified the overcrowding and inefficient transportation for student busing. The solution is to provide additional morning and afternoon bus services to ensure safety of the students. By providing more buses and hiring additional drivers, the education department can expand after-school programming, offering more academic support services to Tribal students in need. The Tribe's education facilities have the capacity to accommodate additional students, and with an upgrade to its transportation services, it can assist more students and families in a variety of ways, including transportation to and from school, extracurricular activities, and community events. Of the 350 school aged students within the local school districts, the tribe is only able to provide services to only 150 students due to this shortfall.

Conclusion

On behalf of the Tule River Tribe, I thank you for this opportunity to provide testimony on the Tule River Tribes' FY2025 funding priorities. We urge the Subcommittee to meet the unmet and non-existent funding needs for critical water infrastructure, public works infrastructure, wildfire firefighting, wildfire prevention and management, public safety, drug and alcohol treatment facilities, and transportation for student success. In order for the United States to meet its federal trust responsibilities to the Tule Rive Tribe, it must fund these critical priorities immediately.